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BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D 2000 62608

LISA McMANUS
5679 Pine Court
Cypress, California 90630

DECISION

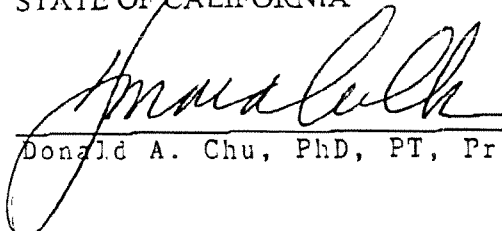
Physical Therapist License No. PT 16855,
Respondent.

The attached Stipulated Settlement and Order is hereby adopted by the Physical
Therapy Board of California, Department of Consumer Affairs, State of California, as its
Decision in the above-entitled matter.

This Decision shall become effective on April 26, 2004.

IT IS SO ORDERED on March 26, 2004.

PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA


Donald A. Chu, PhD, PT, President

1 BILL LOCKYER, Attorney General
of the State of California
2 DIANE M. L. TAN, State Bar No. 86571
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-8764
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

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8 **BEFORE THE**
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 1D 2000 62608

12 **LISA McMANUS**
5679 Pine Court
13 Cypress, California 90630

**STIPULATED SETTLEMENT
AND ORDER**

14 Physical Therapist License No. PT 16855,
15 Respondent.

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18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in
19 the above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Steven K. Hartzell ("Complainant") is the Executive Officer of the
22 Physical Therapy Board of California, and has brought this action solely in his official capacity.
23 Complainant is represented in this matter by Bill Lockyer, Attorney General of the State of
24 California, by Diane M. L. Tan, Deputy Attorney General.

25 2. Respondent Lisa McManus ("respondent") is represented in this matter by
26 Philip W. Green, Attorney at Law, of Green & Adams, L.L.P., Attorneys at Law, whose address
27 is as follows: 8 Corporate Park, Suite 200, Irvine, California 92606.

28 3. On August 31, 1990, the Physical Therapy Board of California issued

1 Physical Therapist License No. PT 16855 to Lisa McManus. At all times relevant to the charges
2 in this matter, respondent's Physical Therapist License has been valid. Her license to practice
3 physical therapy in California has an expiration date of July 31, 2004, unless such license is
4 renewed.

5 **JURISDICTION**

6 4. The Accusation in Case No. 1D 2000 62608, was filed with the Physical
7 Therapy Board of California ("the Board"), Department of Consumer Affairs, State of California,
8 on March 13, 2002. This matter against respondent is currently pending. The Accusation and all
9 other statutorily required documents were duly served on respondent on March 13, 2002.
10 Respondent's counsel has filed on behalf of respondent a Notice of Defense to contest the
11 Accusation. A copy of the Accusation in Case No. 1D 2000 62608, is attached hereto as "Exhibit
12 1" and incorporated herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, understands, and has fully discussed with
15 her counsel the charges and allegations in the Accusation. She also has carefully read,
16 understands, and has fully discussed with her counsel the effects of this Stipulated Settlement
17 and Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the
19 right to a hearing on the charges and allegations that are set forth in the Accusation; the right to
20 consult with and be represented by counsel at her own expense; the right to confront and cross-
21 examine the witnesses against her; the right to present evidence and to testify on her own behalf;
22 the right to the issuance of subpoenas to compel the attendance of witnesses and the production
23 of documents and other things in her defense and as proof of mitigation; the right to
24 reconsideration and court review of an adverse decision; and all other rights accorded by the
25 California Administrative Procedure Act (Gov. Code, §§ 11340 et seq., 11370 et seq., 11400 et
26 seq., and 11500 et seq.) and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

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1 foregoing admissions and stipulations, the parties agree that the Board shall, without further
2 notice or formal proceeding, issue and enter the following Order:

3 **ORDER**

4 **IT IS HEREBY ORDERED** that a Public Reproval shall be issued to
5 respondent, Lisa McManus, because she was convicted of a misdemeanor crime and such
6 conviction constitutes sufficient cause for issuance of a public reproval pursuant to section 495 of
7 the Business and Professions Code. A copy of the Public Reproval is attached hereto as "Exhibit
8 2" and incorporated herein by reference.

9 **IT IS FURTHER ORDERED** that respondent shall reimburse the Physical
10 Therapy Board the amount of Four Thousand Dollars (\$4,000.00) for the costs of the
11 investigation and prosecution of the above-entitled matter. However, if respondent makes a
12 monthly payment of One Hundred Dollars (\$100.00) each and every month, commencing on the
13 5th day of each month from the effective date of the Board's Decision, for a period of ten (10)
14 consecutive months, the Board will waive its claim to the additional amount of the investigation
15 and prosecution costs and deem the payment of the total amount of One Thousand Dollars
16 (\$1,000.00) to constitute full payment of these costs. In the event that respondent fails to timely
17 pay any monthly payment or fails to pay the \$1,000.00 within ten months from the effective date
18 of the Board's Decision, the full amount of the investigation and prosecution costs of \$4,000.00
19 shall be immediately due and payable to the Board.

20 The payment of these costs by respondent is not tolled by her practice of physical
21 therapy or residency outside of California. Failure by respondent to reimburse the Board for
22 these costs shall constitute a violation of the Board's Order and she shall be subject to the
23 provisions of Business and Professions Code section 2661.5 or any related statutes or regulations,
24 unless the Board agrees in writing to payment by a revised payment plan because of financial
25 hardship. The payment of these costs by respondent is not tolled by her practice or residency
26 outside of California.

27 The filing of bankruptcy by the respondent shall not relieve respondent of her
28 responsibility to reimburse the Board for its investigation and prosecution costs.

1 If respondent fails to pay the full amount of the cost recovery within the time
2 limits set forth above, Complainant may seek relief pursuant to section 2661.5 of the Code or any
3 related statutes or regulations.

4 **IT IS ALSO ORDERED** that respondent's physical therapist license may not be
5 renewed unless she is current and in compliance with her payments of the investigation and
6 prosecution costs as set forth above in this Order.

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11 **ACCEPTANCE**

12 I, Lisa McManus, have carefully and fully read the above Stipulated Settlement
13 and Order. I have fully discussed the terms and conditions and other matters contained therein
14 with my attorney, Philip W. Green. I understand the effects that this stipulation will have on my
15 Physical Therapist License.

16 I enter into this Stipulated Settlement and Order voluntarily, knowingly, and
17 intelligently, and agree to be bound by the Order and Decision of the Physical Therapy Board of
18 California in this matter. I further agree that a facsimile copy or copy of this Stipulated
19 Settlement and Order, including facsimile copies of signatures in this stipulation, may be used
20 with the same force and effect as the original of this Stipulated Settlement and Order.

21 DATED: 11-20-03.

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25 LISA McMANUS
26 Respondent

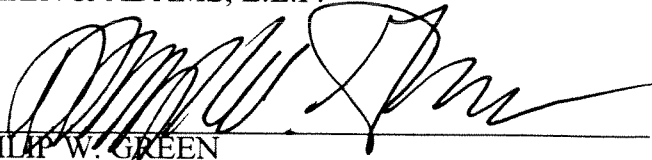
27 **CONCURRENCE**

28 I have read and fully discussed with Respondent Lisa McManus the terms and

1 conditions and other matters contained in the above Stipulated Settlement and Order. I approve
2 the form and content of the Stipulated Settlement and Order.

3 DATED: Nov 19, 2003.

4 GREEN & ADAMS, L.L.P.

5 
6 PHILIP W. GREEN
7 Attorney at Law

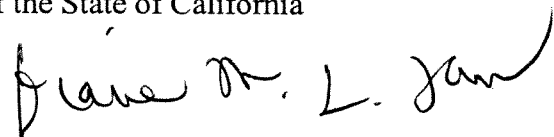
8 Attorneys for Respondent

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10 **ENDORSEMENT**

11 The foregoing Stipulated Settlement and Order is hereby respectfully submitted
12 for consideration by the Physical Therapy Board of California, Department of Consumer Affairs,
13 State of California.

14 DATED: December 22, 2003.

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 DIANE M. L. TAN
19 Deputy Attorney General

20 Attorneys for Complainant
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Exhibit 1

Accusation

Case No. 1D 2000 62608

1 BILL LOCKYER, Attorney General
of the State of California
2 AMY FAN, State Bar No. 156211
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-7336
5 Facsimile: (213) 897-9395

6 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA MARCH 13, 02
[Signature] ANALYST

7
8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 1D 2000 62608

11 **LISA MCMANUS,**
12 5679 Pine Court
13 Cypress, California 90630

ACCUSATION

14 Physical Therapist License No. PT 16855

15 Respondent.

16
17 **Complainant alleges:**

18 **PARTIES**

19 1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
20 official capacity as the Executive Officer of the Physical Therapy Board of California,
21 Department of Consumer Affairs.

22 2. On or about August 31, 1990, the Physical Therapy Board of California
23 issued Physical Therapist License No: PT 16855 (license) to Lisa McManus (Respondent). The
24 license was in full force and effect at all times relevant to the charges brought herein and will
25 expire on July 31, 2002, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), under the authority of the following sections of the Business and Professions Code (Code).

4. Section 2660 of the Code states, in part:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon, or issue subject to terms and conditions any license, certificate, or approval issued under this chapter for any of the following causes:

“ ”

(d) Conviction of a crime which substantially relates to the qualifications, functions, or duties of a physical therapist. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

“ ”

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

“ ”

(l) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a physical therapist.

5. Section 2661 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed

1 on appeal or when an order granting probation is made suspending the imposition of sentence,
2 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person
3 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
4 of guilty, or dismissing the accusation, information, or indictment.

5 6. California Penal Code section 148 provides in part:

6 (a) (1) Every person who willfully resists, delays, or obstructs any peace
7 officer, or an emergency medical technician, as defined in Division 2.5
8 (commencing with Section 1797) of the Health and Safety Code, in the discharge
9 or attempt to discharge any duty of his or her office or employment, when no
10 other punishment is prescribed, shall be punished by a fine not exceeding one
11 thousand dollars (\$1000), or by imprisonment in county jail not to exceed one
12 year, or by both that fine and imprisonment.

13 7. Section 2661.5, subdivision (a) of the Code states:

14 (a) In any order issued in resolution of a disciplinary proceeding before
15 the board, the board may request the administrative law judge to direct any
16 licensee found guilty of unprofessional conduct to pay to the board a sum not to
17 exceed the actual and reasonable costs of the investigation and prosecution of the
18 case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(CONVICTION OF A CRIME)**

21 8. Respondent is subject to disciplinary action under section 2660,
22 subdivision (d), in conjunction with section 2661 of the Code in that on or about February 4,
23 1999, Respondent was convicted of a misdemeanor in the Orange County Superior Court. The
24 circumstances are as follows:

25 a. On January 20, 1999, criminal complaint case number AN99NMO1O38,
26 was filed in the California Superior Court, County of Orange, North Justice Center
27 (Orange County Superior Court), charging Respondent with one count of willfully and
28 unlawfully resisting, delaying and obstructing a peace officer in the discharge and attempt

1 to discharge his lawful duties, in violation of California Penal Code section 148.

2 b. On February 4, 1999, Respondent entered a guilty plea to the charge in the
3 criminal complaint. Respondent was sentenced to a three (3) year term of informal
4 probation. Respondent was also ordered to pay a fine in the amount of \$300 and to
5 reimburse the State Restitution Fund in the amount of \$100. The Court also imposed a
6 \$30 Administrative Fee. Respondent's total financial obligation amounted to \$975.

7 c. On May 3, 1999, Respondent's probation was revoked for failure to pay
8 \$165 towards the balance of \$975. On that same day, a probation violation warrant was
9 issued by the Court.

10
11 **SECOND CAUSE FOR DISCIPLINE**

12 **(COMMISSION OF A FRAUDULENT, DISHONEST AND/OR CORRUPT ACT)**

13 9. Respondent is subject to disciplinary action under section 2660,
14 subdivisions (i) and (l) of the Code in that Respondent engaged in fraudulent, dishonest and/or
15 corrupt acts in resisting, delaying, and/or obstructing a peace officer's discharge or attempt to
16 discharge of his/her duties. The circumstances are as follows:

17 a. On or about January 7, 1999, Orange County Sheriffs (OCS) were present
18 at 3571 B West Greet Tree Circle in Anaheim, California, where Respondent resided at
19 that time. The OCS were at the location to arrest Respondent's roommate for an
20 outstanding arrest warrant.

21 b. When officers appeared at Respondent's doorstep, Respondent told the
22 sheriffs that they could not come into the house and closed the door to try to keep the
23 sheriffs out. Respondent was thereafter arrested for resisting, delaying and obstructing a
24 peace officer while in the discharge of his lawful duties.

25 c. The facts and allegations in paragraph 8, subparagraphs (a) - (c),
26 inclusive, are incorporated by reference as if fully set forth herein.

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1 PRAYER

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Physical Therapy Board of California issue a
4 decision:

5 1. Revoking or suspending Physical Therapist Number PT 16855, issued to
6 Lisa McManus;

7 2. Ordering Lisa McManus to pay the Physical Therapy Board of California
8 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 2661.5;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: March 12, 2002.

12
13 Steven K. Hartzell
14 STEVEN K. HARTZELL
15 Executive Officer
16 Physical Therapy Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant
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Exhibit 2

Public Reproval
Case No. 1D 2000 62608

Public Reproval

In the Stipulated Settlement and Order adopted by the Physical Therapy Board of California, Department of Consumer Affairs, State of California, as its Decision in the above-entitled matter, the charge that Respondent, Lisa McManus was convicted of a misdemeanor crime of willfully resisting, delaying or obstructing a police officer in the discharge or attempt to discharge his duties in violation of Penal Code section 148, was found to be true. That conviction is a violation of California Business and Professions Code section 2660, subdivision (d).

Pursuant to section 495 of the Business and Professions Code, the Physical Therapy Board hereby issues to respondent, Lisa McManus (Physical Therapist License No. PT 16855), a Public Reproval.